

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

AMIN KHOURY,

Defendant.

Case No. 1:20-cr-10177-PBS

**DEFENDANT AMIN KHOURY’S MOTION FOR LEAVE
TO FILE MOTION *EX PARTE* AND UNDER SEAL**

Defendant Amin Khoury respectfully moves this Court for leave to file a motion *ex parte* and under seal (“Submission”).

As grounds for the motion, Mr. Khoury states that he requests to file the Submission *ex parte* and under seal because it relates to a request for leave to file a Rule 17(c) subpoena, the subject matter of which would reveal confidential trial strategy to the government. *See United States v. Diamont*, Case No. 1:05-cr-10154, ECF No. 33, slip op. at 5 (D. Mass. Nov. 22, 2005) (Dien, M.J.) (“[E]x parte proceedings are available under Rule 17(c) both based on the language of the Rule and for policy reasons.”).

WHEREFORE, Mr. Khoury respectfully requests that his motion to file the Submission *ex parte* and under seal be GRANTED.

Respectfully submitted,

/s/ Eóin P. Beirne

R. Robert Popeo (BBO No. 403360)
Mark E. Robinson (BBO No. 423080)
Eóin P. Beirne (BBO No. 660885)
Cory S. Flashner (BBO No. 629205)
Mathilda S. McGee-Tubb (BB) #687434)
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.
One Financial Center
Boston, MA 02111
(617) 348-1605 (telephone)
(617) 542-2241 (fax)
rrpopeo@mintz.com
merobinson@mintz.com
epbeirne@mintz.com
csflashner@mintz.com
msmcgee-Tubb@mintz.com

Counsel for Amin Khoury

Date: February 17, 2022

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I, Eóin P. Beirne, hereby certify that counsel for Defendants did not confer with counsel for the government regarding this motion as the underlying Submission would be made *ex parte* and under seal.

/s/ Eóin P. Beirne

Eóin P. Beirne

CERTIFICATE OF SERVICE

I, Eóin P. Beirne, hereby certify that on February 17, 2022, I filed the foregoing with the United States District Court for the District of Massachusetts using the CM/ECF system and caused it to be served on all registered participants via the notice of electronic filing.

/s/ Eóin P. Beirne

Eóin P. Beirne